



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

FEB 10 2009

In re Application of
Weidong Yang et al
Application No. 10/748,829
Filed: 12/29/2003
Attorney Docket No. NAN066 US

OFFICE OF
DECISION ON PETITION DATA MANAGEMENT

This is a decision on the Petition to the Director under 37 C.F.R. 1.181 which is being treated as a Petition to Withdraw Holding of Abandonment under 37 C.F.R. 1.81 (a), received in the United States Patent and Trademark Office (USPTO) February 2, 2009.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue fee and Publication fee as required by the Notice of Allowance, mailed October 21, 2008 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on February 6, 2009.

Petitioner states that the issue fee transmittal and payment were timely transmitted via facsimile on January 16, 2009. Petitioner submitted a copy of the original submission, a copy of Auto-Reply Facsimile Transmission identifying the present application and a statement to the satisfaction of the Director that transmission of the facsimile did occur on January 16, 2009.

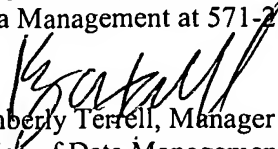
US Patent and Trademark Office records support the receipt of a facsimile for this application which included a transmittal form and the upper portion of the PART B FEE(S) TRANSMITTAL. It is clear that applicant intended to pay the issue fee with this transmission.

In view of the foregoing, the holding of abandonment for failure to timely submit the issue fee is hereby withdrawn and the application is restored to pending status.

A Petition to Withdraw the Holding of Abandonment under 37C.F.R. 1.181(a) does not require the payment of a Petition Fee. Therefore, the \$810.00 fee will be refunded to Deposit Account 502263.

The application will be forwarded to the Publications Branch for processing.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.


Kimberly Terrell, Manager
Office of Data Management
Publications Branch